

FILED 25 OCT '11 09:00 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA

No. CR-10-00229-01-BR

v.

SUPERSEDING INFORMATION

DAVID VAN BEENEN,

18 U.S.C. § 2

18 U.S.C. § 1014

DEFENDANT.

THE UNITED STATES CHARGES THAT:

COUNT 1

(FALSE STATEMENT TO A BANK - 18 U.S.C. §§ 1014, 2)

On or about November 28, 2007, in the District of Oregon, defendant **DAVID VAN BEENEN (VAN BEENEN)** knowingly made a false statement and report for the purpose of influencing the action of a financial institution, namely, Wells Fargo Bank (Wells Fargo), whose deposits were then insured by the Federal Deposit Insurance Corporation, in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, and loan, for the purchase of the property located at 7942 SE 67th Avenue, Portland, Oregon, in at least one of the following ways:

- a. Aided others in falsely inflating the income of ERIK CARLSON on a Uniform Residential Loan Application and supporting documentation, when in truth and in

fact, as **VAN BEENEN** knew, **ERIK CARLSON**'S income was substantially less than the amount he reported to Wells Fargo;

- b. Aided others in providing false documents to substantiate that **ERIK CARLSON**'s monthly gross income was \$13,000, including a false job description which was purportedly signed by **ERIK CARLSON** when, in fact, **VAN BEENEN** knew that the job description was false and that **ERIK CARLSON** did not sign the document;
- c. **VAN BEENEN** knowingly failed to disclose that **ERIK CARLSON** was a straw purchaser and that **VAN BEENEN** was the true borrower; and
- d. **VAN BEENEN** represented to Wells Fargo that the seller, would contribute only 2% of the closing costs in the transaction, when in fact, in addition to 2% of the closing costs, **VAN BEENEN** paid \$25,808.87 in the form of a cashier's check and represented to the lender that the amount was a down payment made by **ERIK CARLSON**.

All in violation of 18 U.S.C. §§ 1014, 2.

DATED this 24th day of October, 2010.

S. AMANDA MARSHALL
United States Attorney



MICHELLE HOLMAN KERIN, OSB#965278
Assistant United States Attorney